



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

SHEILA C. HOLMAN
Director

TBD

Mr. Steven Ingle
Vice President of Engineering
North Carolina Renewable Power - Lumberton, LLC
4599 East Lake Boulevard
Birmingham, AL 35217

SUBJECT: Air Quality Permit No. 05543T23
Facility ID: 7800166
North Carolina Renewable Power - Lumberton, LLC
Lumberton, Robeson County, North Carolina
Fee Class: Title V
PSD Status: Minor

Dear Mr. Ingle:

In accordance with the "reopen for cause" application initiated by the Division of Air Quality, we are forwarding herewith Air Quality Permit No. 05543T23 to North Carolina Renewable Power - Lumberton, LLC, 1866 Hestertown Road, Lumberton, North Carolina, authorizing the construction and operation, of the emission source(s) and associated air pollution control device(s) specified herein. Additionally, any emissions activities determined from your Air Quality Permit Application as being insignificant per 15A North Carolina Administrative Code 02Q .0503(8) have been listed for informational purposes as "ATTACHMENT 2" to this cover letter. Please note the requirements for the annual compliance certification are contained in General Condition P in Section 3. The current owner is responsible for submitting a compliance certification for the entire year regardless of who owned the facility during the year.

As the designated responsible official it is your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit. It is also your responsibility to ensure that any person who operates any emission source and associated air pollution control device subject to any term or condition of the attached permit reviews, understands, and abides by the condition(s) of the attached permit that are applicable to that particular emission source.

If any parts, requirements, or limitations contained in this Air Quality Permit are unacceptable to you, you have the right to request a formal adjudicatory hearing within 30 days following receipt of this permit, identifying the specific issues to be contested. This hearing request must be in the form of a written petition, conforming to NCGS (North Carolina General Statutes) 150B-23, and filed with both the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 and the Division of Air Quality, Permitting Section, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641. The form for requesting a formal adjudicatory hearing may be obtained upon request from the Office of Administrative Hearings. Please note that this permit will be stayed in its entirety upon receipt of the request for a hearing. Unless a request for a hearing is made pursuant to NCGS 150B-23, this Air Quality Permit shall be final and binding 30 days after issuance.

You may request modification of your Air Quality Permit through informal means pursuant to NCGS 150B-22. This request must be submitted in writing to the Director and must identify the specific provisions or issues for which the modification is sought. Please note that this Air Quality Permit will become final and binding regardless of a request for informal modification unless a request for a hearing is also made

Mr. Steven Ingle

TBD

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under NCGS 150B-23.

The construction of new air pollution emission source(s) and associated air pollution control device(s), or modifications to the emission source(s) and air pollution control device(s) described in this permit must be covered under an Air Quality Permit issued by the Division of Air Quality prior to construction unless the Permittee has fulfilled the requirements of GS 143-215.108A(b) and received written approval from the Director of the Division of Air Quality to commence construction. Failure to receive an Air Quality Permit or written approval prior to commencing construction is a violation of GS 143-215.108A and may subject the Permittee to civil or criminal penalties as described in GS 143-215.114A and 143-215.114B.

Robeson County has triggered PSD Increment Tracking for PM10 and SO2. This permitting action is not expected to consume nor expand any increments.

This Air Quality Permit shall be effective from TBD until September 30, 2017, is nontransferable to future owners and operators, and shall be subject to the conditions and limitations as specified therein. Should you have any questions concerning this matter, please contact Russell Braswell at 919-707-8731 or russell.braswell@ncdenr.gov.

Sincerely yours,

William D. Willets, P.E., Chief, Permitting Section
Division of Air Quality, NCDENR

Enclosure

c: Heather Ceron, EPA Region 4
Fayetteville Regional Office
Central Files

Insignificant Activities Pursuant to 15A NCAC 02Q .0503(8)

Source ID Nos.	Emission Source Description
IES-2	one diesel fuel oil storage tank
IES-3	one fire pump fuel oil storage tank
IES-4	one solvent parts cleaner
IES-5	one turbine lube oil tank vent
IES-6	one cooling tower
IES-8	truck dumper No. 1 for receiving biomass fuel
IES-9	truck dumper No. 2 for receiving biomass fuel
IES-10	fuel storage piles
IES-11	fuel material handling including conveyors, front-end loader/dozer and other vehicular traffic in the fuel yard
IES-12	paved roads
IES-13	one sorbent silo
IES-14	one bottom and sifting ash bunker
IES-16	poultry litter storage

Summary of Changes to the Permit

Pages	Section	Description of Changes
Throughout	Throughout	<ul style="list-style-type: none">• Updated application/permit numbers• Updated dates• Removed references to CAIR.• Added references to CSAPR• Changed "2D" and "2Q" to "02D" and "02Q"• Fixed formatting errors.
	2.5.	<ul style="list-style-type: none">• Added section for non-applicable requirements.• Added CAIR and 2D .2400 to this section.
	3.	<ul style="list-style-type: none">• Updated General Conditions to v4.0.



State of North Carolina
Department of Environmental Quality
Division of Air Quality

AIR QUALITY PERMIT

Permit No.	Replaces Permit No.	Effective Date	Expiration Date
05543T23	05543T22	TBD	September 30, 2017

Until such time as this permit expires or is modified or revoked, the below named Permittee is permitted to construct and operate the emission source(s) and associated air pollution control device(s) specified herein, in accordance with the terms, conditions, and limitations within this permit. This permit is issued under the provisions of Article 21B of Chapter 143, General Statutes of North Carolina as amended, and Title 15A North Carolina Administrative Codes (15A NCAC), Subchapters 02D and 02Q, and other applicable Laws.

Pursuant to Title 15A NCAC, Subchapter 02Q, the Permittee shall not construct, operate, or modify any emission source(s) or air pollution control device(s) without having first submitted a complete Air Quality Permit Application to the permitting authority and received an Air Quality Permit, except as provided in this permit.

Permittee: **North Carolina Renewable Power –
Lumberton, LLC**

Facility ID: 7800166

Facility Site Location: 1866 Hestertown Road
City, County, State, Zip: Lumberton, Robeson County, North Carolina 28358

Mailing Address: 4599 East Lake Boulevard
City, State, Zip: Birmingham, AL 35217

Application Number: 7800166.16A
Complete Application Date: January 21, 2016

Primary SIC Code: 4911
Division of Air Quality,
Regional Office Address: Fayetteville Regional Office
225 Green Street, Suite 714
Fayetteville, North Carolina 28301

Permit issued this the TBD.

William D. Willets, P.E., Chief, Permitting Section
By Authority of the Environmental Management Commission

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SECTION 3: GENERAL PERMIT CONDITIONS

ATTACHMENT

List of Acronyms

Acid Rain Permit Application dated November 8, 2011

SECTION 1- PERMITTED EMISSION SOURCE(S) AND ASSOCIATED AIR POLLUTION CONTROL DEVICE(S) AND APPURTENANCES

The following table contains a summary of all permitted emission sources and associated air pollution control devices and appurtenances:

Page Nos.	Emission Source ID No.	Emission Source Description	Control Device ID No.	Control Device Description
	ES-1A* and ES-1B* CAM GA CT JJJJJ NSPS Db	two non-CISWI subject wood*/poultry litter-fired steam/electric generating, boilers (180 million Btu per hour heat input each) including over-fire air systems	CD-1A3* and CD-1B3*	two selective non-catalytic reduction systems (300 lbs/hr aqueous ammonia injection rate each)
			CD-1A2* and CD-1B2*	two multiclones (132 Nos. tubes each, 9 inches in diameter each)
			CD-1A4*+ and CD-1B4*+	two dry sorbent injection systems (50 lbs/hr sodium bicarbonate or sodium sesquicarbonate (trona) injection rate each)
			CD-1A* and CD-1B*	two bagfilters (each not to exceed 3.26:1 air-to-cloth ratio)
	ES-2A and ES-2B	two fuel bunkers	CD-2A and CD-2B	two bagfilters (64 square feet of filter area, each)
	ES-3*	one fly ash silo with wet slurry pugmill for unloading	CD-3*	one silo binvent filter (400 square feet of filter area)
	ES-4	one bottom ash silo with a retractable bulk unloading spout and enclosed vent return	CD-4	one silo binvent filter (100 square feet of filter area)
	ES-5A and ES-5B	two ash system vacuum transport pumps	CD-5E	one simple cyclone (42 inches in diameter) located on the bottom ash silo
			CD-5D	one bagfilter (528 square feet of filter area) located on the fly ash silo
			CD-5C	one simple cyclone (42 inches in diameter) located on the fly ash silo
			CD-5A and CD-5B	two in-line filters (one per pump)
	ES-6	wood biomass unloading/storage and transfer	None	N/A
	ES-15*	one 7100 gallons aqueous ammonia storage tank	None	N/A
	ES-1 GA CT ZZZZ	one diesel fired 340 hp emergency fire pump	None	N/A

Page Nos.	Emission Source ID No.	Emission Source Description	Control Device ID No.	Control Device Description
	ES-17, ES-18, and ES-19	Three biomass belt dryers, with maximum capacity of 6 tons per hour, each	None	N/A

* These emission sources and control devices are listed as a 15A NCAC 02Q .0501(c)(2) modification (Application Numbers 7800166.10A and 7800166.15B). The Permittee shall file a Title V Air Quality Permit Application on or before 12 months after commencing operation in accordance with General Condition NN. The permit shield described in General Condition R does not apply and compliance certification as described in General Condition P is not required.

** Commercial/Industrial Solid Waste Incineration

+ Dry sorbent injection systems may be operated intermittently as necessary to maintain compliance with the avoidance limit under 15A NCAC 02D .1111.

SECTION 2- SPECIFIC LIMITATIONS AND CONDITIONS

2.1- Emission Source(s) and Control Devices(s) Specific Limitations and Conditions

The emission source(s) and associated air pollution control device(s) and appurtenances listed below are subject to the following specific terms, conditions, and limitations, including the testing, monitoring, recordkeeping, and reporting requirements as specified herein:

- A. Two non-CISWI subject wood/poultry litter-fired boilers including over-fire air systems (ID Nos. ES-1A and ES-1B), and associated selective non-catalytic reduction systems (ID Nos. CD-1A3 and CD-1B3), multiclones (ID Nos. CD-1A2 and CD-1B2), dry sorbent injection systems (ID Nos. CD-1A4 and CD-1B4) and bagfilters (ID Nos. CD-1A and CD-1B)**

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Particulate matter	0.30 pounds per million Btu heat input	15A NCAC 02D .0504
Sulfur dioxide	2.3 pounds per million Btu heat input	15A NCAC 02D .0516
Particulate matter	Particulate matter emissions (filterable): 0.030 lb /million Btu heat input	15A NCAC 02D .0524 [40 CFR 60 Subpart Db]
Visible emissions	Visible emissions: 20 percent	
Carbon monoxide	Carbon monoxide: 0.45 lb/million Btu	15A NCAC 02D .0530
Sulfuric acid mist	Sulfuric acid mist: 0.011 lb/million Btu	
PM ₁₀	Compliance Assurance Monitoring	15A NCAC 02D .0614 [40 CFR 64]
Hazardous air pollutants	Work practice standards	15A NCAC 02D .1111 [40 CFR 63 Subpart JJJJJ]
PM/PM ₁₀ PM _{2.5} Sulfur dioxide Nitrogen oxides Volatile organic compounds Mercury	State-enforceable only When burning non-CISWI subject wood See Section 2.1. A.7.a.	Senate Bill 3 (Session Law 2007-397)
PM/PM ₁₀ PM _{2.5} Sulfur dioxide Nitrogen oxides Volatile organic compounds Mercury	State-enforceable only When burning non-CISWI subject wood and poultry litter See Section 2.1. A.8	Senate Bill 3 (Session Law 2007-397)
Hazardous air pollutants	See Section 2.2 A.1.	15A NCAC 02Q .0317 [MACT Avoidance]
Nitrogen oxides Sulfur dioxide Carbon monoxide	See Section 2.2 A.2.	15A NCAC 02Q .0317 [PSD Avoidance]
Odors	State-enforceable only Odorous emissions must be controlled See Section 2.2.A.3	15A NCAC 02D .1806
Sulfur dioxide	Phase II Acid Rain Permit Requirements	15A NCAC 02Q .0402

Regulated Pollutant	Limits/Standards	Applicable Regulation
Nitrogen oxides	See Section 2.3	
Nitrogen oxides Sulfur dioxide	(Federally enforceable only) Cross State Air Pollution Rule [CSAPR] Requirements See Section 2.4.	02D40 CFR Part 97, Subparts AAAAA, BBBBBB, and CCCCC

1. 15A NCAC 02D .0504: PARTICULATES FROM WOOD BURNING INDIRECT HEAT EXCHANGERS

- a. Emissions of particulate matter from the combustion of wood that are discharged from these sources into the atmosphere shall not exceed 0.30 pounds per million Btu heat input. [15A NCAC 02D .0504]

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 A. 1. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0504.

Monitoring [15A NCAC 02Q .0508(f)]

- c. Particulate matter emissions from each boiler shall be controlled by a dedicated multicloner (ID Nos. CD-1A2 and CD-1B2) and bagfilter (ID Nos. CD-1A and CD-1B). To assure compliance, the Permittee shall perform inspections and maintenance as recommended by the manufacturer. In addition to the manufacturer's inspection and maintenance recommendations, or if there are no manufacturer's inspection and maintenance recommendations, as a minimum, the inspection and maintenance requirement must include the following:
- a monthly external visual inspection of the system ductwork and material collection unit for leaks; and
 - an annual (for each 12 month period following the initial inspection) internal inspection of the control devices' structural integrity.
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0504 if the ductwork, multiclones, and bagfilters are not inspected and maintained.
- d. The Permittee shall install, operate, and maintain a pressure drop indicator on each bagfilter. The pressure drop across each bagfilter shall not exceed 10 inches of water. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0504 if the pressure drop is not maintained within the prescribed limits above or the Permittee does not install, operate, and maintain a pressure drop indicator on each bagfilter.

Recordkeeping [15A NCAC 02Q .0508(f)]

- e. The results of inspection and maintenance shall be maintained in a logbook (written or electronic format), kept on site, and made available to an authorized DAQ representative upon request. The logbook shall record the following:
- the date and time of each recorded action;
 - the pressure drop once weekly at a minimum when the boiler is operating;
 - weekly periods of boiler downtime shall be noted in the logbook;
 - the results of each inspection;
 - the results of any maintenance performed on the multiclones and bagfilters; and
 - any variance from manufacturer's recommendations, if any, and corrections made.
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0504 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- f. Within 30 days of a written request from the DAQ, the Permittee shall submit a report of any maintenance performed on the multiclones or bagfilters.

- g. The Permittee shall submit a summary report of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

2. 15A NCAC 02D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES

- a. Emissions of sulfur dioxide from these sources shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard. [15A NCAC 02D .0516]

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 A. 2. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0516.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- c. No monitoring, recordkeeping, or reporting is required for sulfur dioxide emissions from the firing of non-CISWI subject wood and/or poultry litter in these boilers.

3. 15A NCAC 02D .0524: NEW SOURCE PERFORMANCE STANDARDS (40 CFR Part 60, Subpart Db)

- a. The Permittee shall comply with all applicable provisions, including the notification, testing, reporting, recordkeeping, and monitoring requirements contained in Environmental Management Commission Standard 15A NCAC 02D .0524 "New Source Performance Standards" (NSPS) as promulgated in 40 CFR Part 60, Subpart Db "Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units" including Subpart A "General Provisions." [15A NCAC 02D .0524]

Emission Standards [40 CFR 60.43b and 60.44b]

- b. For these emission sources (**ID No. ES-1A and ES-1B**), the Permittee shall comply with the following emission standards:
 - i. The Permittee shall not cause to be discharged into the atmosphere any gases that contain PM (filterable) in excess of 0.030 lb /million Btu heat input [40 CFR 60.43b(h)(1)].
 - ii. The Permittee shall not cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity [40 CFR 60.43b(f)].
 - iii. The PM and opacity standards apply at all times, except during periods of startup, shutdown, or malfunction [40 CFR 60.43b(g)].

Testing [15A NCAC 02Q .0508(f) and 40 CFR 60.46b]

- c. To determine compliance with the PM emission limits as specified in Section 2.1. A.3.b, the Permittee shall conduct an initial performance test, as required under 40 CFR 60.8, and any subsequent performance testing, as requested by the DAQ. Testing shall be conducted following procedures and reference methods in 40 CFR 60.46b(d) (1) through (7) and in accordance with 15A NCAC 02D .2600.
- d. In accordance with 40 CFR 60.8, the Permittee shall conduct the initial performance test for PM emissions as specified in Section 2.1. A.3.c within 60 days after achieving the maximum production rate while firing poultry litter in the boilers, but not later than 180 days after initial firing of poultry litter in the boilers [40 CFR 60.46b(d)].
- e. The Permittee shall be deemed in noncompliance with 02D .0524 if the testing requirements in Sections 2.1.A.3.c and d. are not met or if the PM emission limit in Section 2.1.A.3.b is exceeded.

Notification Requirements [40 CFR 60.49b (a)]

- f. The Permittee shall notify the Regional Supervisor, DAQ, in writing, of the actual date of initial firing of poultry litter in the boilers, postmarked within 15 days after such date. This notification shall include:
- i. The design heat input capacity of the affected facility and identification of the fuels to be combusted in the affected facility; and
 - ii. The annual capacity factor at which the owner or operator anticipates operating the facility based on all fuels fired and based on each individual fuel fired.
- The Permittee shall be deemed in noncompliance with 02D .0524 if the notification requirements in Section 2.1.A.3.f are not met.

Monitoring [40 CFR 60.48b]

- g. The Permittee shall install, calibrate, maintain, and operate a continuous opacity monitoring systems (COMS) for measuring the opacity of emissions discharged to the atmosphere and record the output of the system.[40 CFR 60.48b(a)]
- h. The Permittee shall follow procedures under 40 CFR 60.13 for installation, evaluation, and operation of the COMS. The span value for the COMS shall be between 60 and 80 percent. [40 CFR 60.48b(e)]
- i. The Permittee shall be deemed in noncompliance with 02D .0524 if the monitoring requirements in Sections 2.1.A.3.g and h are not met or if the opacity standard in Section 2.1.A.3.b is exceeded..

Recordkeeping [40 CFR 60.49b]

- j. The Permittee shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for each fuel for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month. [40 CFR 60.49b(d)(1)]
- k. The Permittee shall maintain records of opacity. [40 CFR 60.49b(f)]
- l. The Permittee shall maintain all records for a period of 2 years following the date of such record [40 CFR 60.49b(o)].
- m. The Permittee shall be deemed in noncompliance with 02D .0524 if the recordkeeping requirements under Sections 2.1.A.3 j through l are not met.

Reporting [40 CFR 60.46b, 15A NCAC 02Q .0508(f)]

- n. The Permittee shall submit excess emission reports for any excess emissions of opacity that occurred during the reporting period. Excess emissions are defined as all 6-minute periods during which the average opacity exceeds the opacity standards under 40 CFR 60.43b(f). The Permittee shall submit semiannual excess emissions and monitoring systems performance reports, postmarked on or before January 30 for the reporting period between July 1 and December 31 and postmarked on or before July 30 for the reporting period between January 1 through June 30. [40 CFR 60.49b(h), 40 CFR 60.49b(w)].
- o. The Permittee shall submit a summary report of the monitoring and recordkeeping activities, postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

4. 15A NCAC 02D .0530: PREVENTION OF SIGNIFICANT DETERIORATION

When burning non-CISWI subject wood

- a. The following Best Available Control Technology (BACT) limits shall not be exceeded:

Emission Source	Pollutants	Emission Limit*	Control Technology
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Boilers (ID Nos. ES-1A and ES-1B)	Carbon monoxide	0.45 lb/million Btu [stack test: 3-run average]	good combustion control
	Sulfuric acid mist	0.011 lb/million Btu [stack test: 3-run average]	use of low sulfur wood

- * BACT emission limits shall apply to each source (**ID Nos. ES-1A and ES-1B**) and at all times except during the following: Emissions resulting from start-up, shutdown or malfunction above those given in Section 2.1 A.4.a. are permitted provided that optimal operational practices are adhered to and periods of excess emissions are minimized.

Testing [15A NCAC 02Q .0508(f)]

- b. Under the provisions of NCGS 143-215.108, the Permittee shall demonstrate compliance with the emissions limits for CO and sulfuric acid mist in Section 2.1 A.4.a above, by testing one of boilers (**ID Nos. ES-1A and ES-1B**) within 180 days of commencement of burning of non-CISWI subject wood exclusively, in the first boiler (**either ES-1A or ES-1B**). Details of the emissions testing and reporting requirements can be found in Section 3 - General Condition JJ. If the average of all runs of the stack tests for CO or sulfuric acid mist exceed the respective emissions limits in Section 2.1 A.4.a. above or the stack tests are not performed, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- c. No monitoring/record keeping shall be required for emissions of CO and sulfuric acid mist from boilers (**ID Nos. ES-1A and ES-1B**).

Reporting [15A NCAC 02Q .0508(f)]

- d. No reporting shall be required for emissions of CO and sulfuric acid mist from boilers (**ID Nos. ES-1A and ES-1B**).

5. 15A NCAC 02D .0614: COMPLIANCE ASSURANCE MONITORING

- a. The Permittee shall ensure that PM10 emitted from the two boilers (**ID Nos. ES-1A and ES-1B**) are controlled by the two bagfilters (**ID Nos. CD-1A and CD-1B**).

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- b. The Permittee shall comply with the monitoring approach as included in the following table:

Indicator [64.6(c)(1)(i)]	Opacity
Measurement Approach [64.6(c)(1)(ii)]	Opacity is indicated by a continuous opacity monitors (COMS)
Indicator Range [64.6(c)(2)]	An excursion is defined as a 3-hour block average value of opacity greater than 12 percent.
Quality Improvement Plan (QIP) Threshold [64.8]	Four excursion, as defined above, within any 6-month period.
QA/QC Practices and Criteria [64.3(b)(3)]	The COMS shall be calibrated, maintained and operated according to 40 CFR 60, Appendix B, Performance Specification 1 and Appendix F, Procedure 3.
Monitoring Frequency [64.3(b)(4)]	Opacity is continuously monitored while bagfilters are in operation.

- c. For any excursion, the Permittee shall initiate an inspection of the control equipment and/or the COMS and initiate the repairs as necessary. The following corrective actions shall be taken as soon as practical:

- i. Identify cause of excursion.
- ii. Initiate actions to correct the cause of any excursions identified in step i above. Repair equipment that is not operating properly.
- iii. Initiate work order for baghouse inspection and repair as needed for any equipment that cannot be repaired during operation.
- iv. Document nature and cause of excursions in operations log.
- v. Improve preventative maintenance procedures as necessary in accordance with CAM QIP (if one exists).
- vi. Provide notification to DAQ in accordance with reporting requirements in the Section 2.1 A.5.e. below.

If the above monitoring and recordkeeping is not performed, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0614.

- d. The Permittee shall retain records of recorded COMs data, each excursion report, and each corrective action taken. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0614 if these records are not retained.

Reporting [15A NCAC 02Q .0508(f)]

- e. The Permittee shall submit a summary report of all monitoring activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified. The report shall also include the following information, as applicable:
 - i. company name, address and facility ID number,
 - ii. a statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report,
 - iii. the date of report and beginning and ending dates of the reporting period,
 - iv. a statement that there were no excursion outside of the allowable operating parameter limits during the reporting period (as applicable), and that no continuous opacity monitoring system (COMS) was inoperative, inactive, malfunctioning, out-of-control, repaired, or adjusted. Or for each exceedance of an allowable operating parameter that occurs, the compliance report must contain:
 - A. the total operating time of the source during the reporting period,
 - B. information on the number, duration, and cause of exceedances (including unknown cause), if applicable, and the corrective action taken and
 - C. information on the number, duration, and cause (including unknown cause, if applicable) for COMS downtime incidents, other than downtime associated with zero and span and other daily calibration checks.
 - D. a description of the actions taken to implement a QIP during the reporting period as specified in 40 CFR 64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

**6. 15A NCAC 02D .1111: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY
(40 CFR Part 63, Subpart JJJJJJ)**

Applicability [40 CFR 63.11193, 63.11194(a), (b)]

- a. For these sources (**ID Nos. ES-1A and ES-1B**), the Permittee shall comply with all applicable provisions, including the notification, testing, and monitoring requirements contained in Environmental Management Commission Standard 15A NCAC 02D .1111, "Maximum Achievable Control Technology" as promulgated in 40 CFR 63, Subpart JJJJJJ, "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers," including Subpart A "General Provisions."

Definitions and Nomenclature

- b. For the purposes of this permit condition, the definitions and nomenclature contained in 40 CFR 63.11237 shall apply.

General Provisions [40 CFR 63.11235]

- c. The Permittee shall comply with the General Provisions as applicable pursuant to Table 8 of 40 CFR 63 Subpart JJJJJ.

Compliance Dates

- d. The Permittee shall achieve compliance with the initial tune up no later than thirty (30) days after the re-start of the affected boiler. [40 CFR 63.11210(j)][40 CFR 63.11196(a)(1), 63.11210(c)]
- e. The Permittee shall comply with the one-time energy assessment requirement within sixty (60) days of permit issuance.
- f. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the requirements in Sections 2.1.A.1.6 d. and e. are not met.

Notification of Compliance Status [40 CFR 63.11225]

- g. The Permittee shall submit a Notification of Compliance Status no later than July 19, 2014.
 - i. The Notification of Compliance Status must be signed by a responsible official and include the following certifications of compliance:
 - A. "This facility complies with the requirements in 40 CFR 63.11214 (i.e., Section 2.1.A.6.i.) to conduct an initial tune-up of the boiler."
 - B. "This facility has had an energy assessment performed according to Table 2 to this subpart (i.e., Sections 2.1.A.6. j. and k.) and is an accurate depiction of the facility."
 - C. "No secondary materials that are solid waste were combusted in any affected unit."
 - ii. The notification must be also submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written Notification of Compliance Status must be submitted to the Administrator at the appropriate address listed in 40 CFR 63.13.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the requirements in Section 2.1.A.6.g. are not met.

General Compliance Requirements [15A NCAC 02Q .0508(b)]

- h. At all times the Permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.11205(a)] The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if these requirements in Section 2.1.A.6.h. are not met.

Performance Tune-up Requirements [15A NCAC 02Q .0508(b)]

- i. The Permittee shall conduct an initial tune-up of the boiler and subsequent tune-ups biennially.
 - i. Each biennial tune-up shall be conducted no more than 25 months after the previous tune-up.
 - ii. The Permittee shall conduct the tune-ups while burning the type of fuel (or fuels in the case of boilers that routinely burn two types of fuels at the same time) that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.
 - iii. The tune-ups shall be conducted according to the following procedures:
 - A. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the Permittee may delay the burner inspection until the next scheduled unit

shutdown, not to exceed 36 months from the previous inspection). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection.

- B. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.
- C. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the Permittee may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection.
- D. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject.
- E. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.
- F. -If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.

[40 CFR 63.11201(b), Table 2, 40 CFR 63.11223(a),(b)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the requirements in Section 2.1.A.6.i. are not met.

Energy Assessment Requirements [15A NCAC 02Q .0508(b)]

- j. The Permittee shall conduct a one-time energy assessment performed by a qualified energy assessor. The energy assessment must include the following items, with the extent of the evaluation for items (i) to (iv) appropriate for the on-site technical hours listed in 40 CFR 63.11237:
 - i. A visual inspection of the boiler system,
 - ii. An evaluation of operating characteristics of the affected boiler systems, specifications of energy use systems, operating and maintenance procedures, and unusual operating constraints,
 - iii. An inventory of major energy use systems consuming energy from affected boiler(s) and which are under control of the boiler owner or operator,
 - iv. A review of available architectural and engineering plans, facility operation and maintenance procedures and logs, and fuel usage,
 - v. A list of major energy conservation measures that are within the facility's control,
 - vi. A list of the energy savings potential of the energy conservation measures identified, and
 - vii. A comprehensive report detailing the ways to improve efficiency, the cost of specific improvements, benefits, and the time frame for recouping those investments.

[40 CFR 63.11201(b), Table 2]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the requirements in Section 2.1.A.6.j. are not met.

Recordkeeping [15A NCAC 02Q .0508(f)]

- k. The Permittee shall maintain the following records:
 - i. As required in 40 CFR 63.10(b)(2)(xiv), the Permittee shall keep a copy of each notification and report that was submitted to comply with this rule and all documentation supporting any Notification of Compliance Status that was submitted.
 - ii. The Permittee shall keep the following records to document conformance with the performance tune-ups:
 - A. Records must identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned.
 - B. The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen

in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.

- C. A description of any corrective actions taken as a part of the tune-up of the boiler.
 - D. The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
 - iii. The Permittee shall keep a copy of each boiler energy assessment report.
 - iv. Records of the occurrence and duration of each malfunction of the boiler or of the associated air pollution control and monitoring equipment.
 - v. Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in Section 2.1.A.6.h., including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation.
- [40 CFR 63.11225(c), 63.11223(b)(6)]
- l. The records must be in a form suitable and readily available for expeditious review. The Permittee shall keep each record for 5 years following the date of each recorded action. The Permittee shall keep each record on-site or be accessible from a central location by computer or other means that instantly provide access at the site for at least 2 years after the date of each recorded action. The Permittee may keep the records off site for the remaining 3 years. [40 CFR 63.11225(d)]
 - m. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the requirements in Sections 2.1.A.6.k. and l. are not met.

Reporting [15A NCAC 02Q .0508(f)]

- n. The reporting requirements of 40 CFR 63.11225(b) shall be met by complying with General Condition P of Section 3 of this permit.

State-enforceable only

7. SENATE BILL 3 (Session Law 2007-397)

When burning non-CISWI subject wood

- a. The following Best Available Control Technology (BACT) limits shall not be exceeded:

EMISSION SOURCE	POLLUTANT	EMISSION LIMITS*	CONTROL TECHNOLOGY
Boilers (ID Nos. ES-1A and ES-1B)	PM/PM ₁₀	0.036 lb/million Btu (both filterable and condensable) [stack test: 3-run average]	multiclone and bagfilter
	PM _{2.5}	0.011 lb/million Btu (both filterable and condensable [organic and inorganic including sulfuric acid mist]) [stack test: 3-run average]	multiclone and bagfilter
	Sulfur dioxide	0.025 lb/million Btu** [CEM: 30-day rolling average]	use of low sulfur wood
	Nitrogen oxides	0.125 lb/million Btu [CEM: 30-day rolling average]	selective non-catalytic reduction
	Volatile organic compounds	0.03 lb/million Btu [stack test: 3-run average]	good combustion control
	Mercury	5 x 10 ⁻⁶ lb/million Btu [stack test: 3-run average]	bagfilter

* BACT emission limits shall apply to each source (ID Nos. ES-1A and ES-1B) and at all times except during the following: Emissions resulting from start-up, shutdown or malfunction above those given in

Section 2.1 A.7.a. above are permitted provided that optimal operational practices are adhered to and periods of excess emissions are minimized.

** This SO₂ BACT emission limit is provisional. The final SO₂ BACT emission limit will be established in accordance with Section 2.1 A.7. b. below.

Testing [15A NCAC 02Q .0508(f)]

- b. Under the provisions of NCGS 143-215.108, the Permittee shall demonstrate compliance with the emissions limits for PM/PM₁₀, PM_{2.5}, SO₂, NO_x, VOC, and Hg in Section 2.1 A.7.a. above by testing one of boilers (**ID Nos. ES-1A and ES-1B**) within 180 days of commencement of burning of non-CISWI subject wood exclusively in the first boiler (**either ES-1A or ES-1B**). Details of the emissions testing and reporting requirements can be found in Section 3 - General Condition JJ.
- c. The final SO₂ BACT emission limit shall be established using the representative stack test data, SO₂ CEMS data, boiler operational data, and fuel sulfur content data. A testing protocol that describes how the final SO₂ BACT emission limit will be established shall be approved by the DAQ. The test protocol shall provide for:
 - i. Testing one of the boilers (**ID Nos. ES-1A and ES-1B**) within 180 days of commencement of burning of non-CISWI subject wood exclusively in the first boiler (**either ES-1A or ES-1B**), with stack testing and fuel sampling for total sulfur content performed in such a way that allows for determining an SO₂ emission rate and establishing the rate at which the boiler converts total sulfur to SO₂.
 - ii. Collection of SO₂ CEMs and boiler operating data for a minimum of 30 consecutive operating days, with the day(s) on which the stack test is completed included in the 30 consecutive operating days, and
 - iii. The methodology by which the data will be analyzed and final SO₂ BACT emission limit will be established.
- d. The submittal of the test results and analysis to the DAQ shall be deemed a request by the Permittee that the permit be modified to include the final SO₂ BACT emission limit. The DAQ shall process such submittal in accordance with the provision in 15A NCAC 02Q .0316 "Administrative Permit Amendments."

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- e. The Permittee shall monitor NO_x and SO₂ emissions from boilers (**ID Nos. ES-1A and ES-1B**) using continuous emissions monitoring (CEM) systems that meet the requirements of 40 CFR Part 75, except that unbiased values may be used (missing data shall be filled in accordance with 40 CFR Part 75, except that the lookback periods per 40 CFR 75.33 (Tables 1 and 2) shall consists of the available data up to the appropriate quality-assured hours. Also, the replacement procedures for monitor data availability between 80 and 90 percent may be used at values below 80 percent). Compliance with emission standards shall be determined by averaging hourly continuous emission monitoring system values over rolling 30-days. To compute the 30-day rolling average, the average daily values (missing data shall be filled in accordance with 40 CFR Part 75, except that the lookback periods per 40 CFR 75.33 (Tables 1 and 2) shall consists of the available data up to the appropriate quality-assured hours. Also, the replacement procedures for monitor data availability between 80 and 90 percent may be used at values below 80 percent) shall be summed, and the sum shall be divided by 30. The minimum number of data points, equally spaced, required to determine a valid hour value shall be determined by 40 CFR Part 75.
- f. Monitoring/recordkeeping requirements for PM emissions from boilers (**ID Nos. ES-1A and ES-1B**) in Sections 2.1 A.1. c. through e. above shall be sufficient to assure compliance with PM/PM₁₀, PM_{2.5} and Hg BACT under Senate Bill 3 (Session Law 2007-397).
- g. No monitoring/record keeping shall be required for VOC emissions from boilers (**ID Nos. ES-1A and ES-1B**).

Reporting [15A NCAC 02Q .0508(f)]

- h. Reporting requirement for PM emissions from boilers (**ID Nos. ES-1A and ES-1B**) in Section 2.1

A.1.1.g. above shall be sufficient to assure compliance with PM/PM₁₀, PM_{2.5} and Hg BACT under Senate Bill 3 (Session Law 2007-397).

- i. The Permittee shall submit a summary report of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified. All instances of deviations from the requirements of this permit must be clearly identified.

State-enforceable only

8. NCGS 62-133.8 RENEWABLE ENERGY AND EFFICIENCY PORTFOLIO STANDARD (REPS)

Under the provisions of a Renewable Energy and Energy Efficiency Portfolio Standard (REPS), the Permittee will be categorized as a new renewable energy facility that delivers electric power to an electric power supplier. NCGS 62-133.8(g) requires biomass combustion processes at a new renewable energy facility to meet Best Available Control Technology (BACT). The Permittee submitted a BACT analysis to the Division of Air Quality on March 19, 2015 for the firing of poultry litter and non-CISWI subject wood in boilers (**ID Nos. ES-1A and ES-2A**). Upon determination of BACT, the Division will reopen the permit for inclusion of BACT conditions.

B.

- Two fuel bunkers (ID Nos. ES-2A and ES-2B) and associated bagfilters (ID Nos. CD-2A and CD-2B)
- One fly ash silo (ID No. ES-3) with wet slurry pugmill for unloading and associated binvent filter (ID No. CD-3)
- One bottom ash silo (ID No. ES-4) with a dry bulk unloading spout with vent return line and associated binvent filter (ID No. CD-4)
- Two ash system vacuum transport pumps (ID Nos. ES-5A and ES-5B) and associated inline filters (ID Nos. CD-5A and CD-5B), simple cyclones (ID Nos. CD-5C and 5E), and bagfilter (ID No. CD-5D)

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Particulate matter	For $P \leq 30$ tons per hour: $E = 4.10P^{0.67}$ For $P > 30$ tons per hour: $E = 55.0P^{0.11} - 40$ Where: E = allowable emission rate in pounds per hour P = process weight in tons per hour	15A NCAC 02D .0515
Visible emissions	20 percent opacity	15A NCAC 02D .0521
Odors	State-enforceable only Odorous emissions must be controlled See Section 2.2.A.3	15A NCAC 02D .1806

1. 15A NCAC 02D .0515: PARTICULATES FROM MISCELLANEOUS INDUSTRIAL PROCESSES

- a. Emissions of particulate matter from these sources shall not exceed an allowable emission rate as calculated by the following equations: [15A NCAC 02D .0515(a)]

For process weights up to 30 tons per hour:

$$E = 4.10 \times P^{0.67}$$

For process weights greater than 30 tons per hour:

$$E = 55 \times P^{0.11} - 40$$

Where:

E = allowable emission rate in pounds per hour

P = process weight in tons per hour

Liquid and gaseous fuels and combustion air are not considered as part of the process weight.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 B. 1. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- c. Particulate matter emissions from these emission sources shall be controlled three bagfilters (**ID Nos. CD-2A, CD-2B, and CD-5D**), two simple cyclones (**ID Nos. CD-5C and CD-5E**), two binvent filters (**ID Nos. CD-3 and CD-4**), and two in-line filters (**ID Nos. CD-5A and CD-5B**). To assure compliance, the Permittee shall perform inspections and maintenance as recommended by the manufacturers. In addition to the manufacturer's inspection and maintenance recommendations, or if there are no manufacturer's inspection and maintenance recommendations, as a minimum, the inspection and maintenance requirement shall include the following:
- i. monthly external inspection of the ductwork, cyclones, bagfilters, in-line filters and bin vents noting the structural integrity; and,
 - ii. an annual internal inspection of the bagfilters/binvents/inline filters for structural and fabric filter integrity.
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515 if the control devices are not inspected and maintained.
- d. The results of inspection and maintenance shall be maintained in a logbook (written or electronic format), kept on site, and made available to an authorized DAQ representative upon request. The logbook shall record the following:
- i. the date and time of each recorded action;
 - ii. the results of each inspection;
 - iii. the results of any maintenance performed on the control devices; and
 - iv. any variance from manufacturer's recommendations, if any, and corrections made.
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- e. Upon a written request from the DAQ, the Permittee shall submit, within 30 days of such request, a report of any maintenance performed on a control device.
- f. The Permittee shall submit a summary report of the monitoring and recordkeeping postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

2. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from these sources (**ID Nos. ES-2A, ES-2B, ES-3, ES-4, ES-5A and ES-5B**) shall not be more than 20 percent opacity when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event shall the six-minute average exceed 87 percent opacity. [15A NCAC 02D .0521 (d)]

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 B. 2. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521.

Monitoring [15A NCAC 02Q .0508(f)]

- c. To assure compliance, once a week the Permittee shall observe the emission points of these sources (**ID Nos. ES-2A, ES-2B, ES-3, ES-4, ES-5A and ES-5B**) for any visible emissions above normal. The weekly observation must be made for each week of the calendar year period to ensure compliance with this requirement. The Permittee shall establish "normal" for the fly ash silo (**ID No. ES-3**) in the first 30 days from the commencement of operation of this silo. If visible emissions from these sources are observed to be above normal, the Permittee shall either:

- i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
- ii. demonstrate that the percent opacity from the emission points of the emission sources in accordance with 15A NCAC 02D .2610 (Method 9) for 12 minutes is below the limit given in Section 2.1 B. 2. a. above.

If the above-normal emissions are not corrected per (i) above or if the demonstration in (ii) above cannot be made, the Permittee shall be deemed to be in noncompliance with 15A NCAC 02D .0521.

Recordkeeping [15A NCAC 02Q .0508(f)]

- d. The results of the monitoring shall be maintained in a logbook (written or electronic format), kept on site, and made available to an authorized DAQ representative upon request. The logbook shall record the following:
 - i. the date and time of each recorded action; and
 - ii. the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- e. The Permittee shall submit a summary report of the observations postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

C. Non-CISWI subject wood unloading/storage and transfer (ID No. ES-6)

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Visible emissions	20 percent opacity	15A NCAC 02D .0521
Odors	State-enforceable only Odorous emissions must be controlled See Section 2.2.A.3	15A NCAC 02D .1806

1. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from the wood biomass unloading/storage and transfer (**ID No. ES-6**) shall not be more than 20 percent opacity when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event shall the six-minute average exceed 87 percent opacity. [15A NCAC 02D .0521 (d)]

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 C. 1. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521.

Monitoring [15A NCAC 02Q .0508(f)]

- c. To assure compliance, once a week the Permittee shall observe the emission points of this source for any visible emissions above normal. If visible emission from this source is observed to be above normal, the Permittee shall either:
- take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
 - demonstrate that the percent opacity from the emission points of the emission sources in accordance with 15A NCAC 02D .2610 (Method 9) for 12 minutes is below the limit given in Section 2.1 C. 1. a. above.

If the above-normal emissions are not corrected per (i) above or if the demonstration in (ii) above cannot be made, the Permittee shall be deemed to be in noncompliance with 15A NCAC 02D .0521.

Recordkeeping [15A NCAC 02Q .0508(f)]

- d. The results of the monitoring shall be maintained in a logbook (written or electronic format), kept on site, and made available to an authorized representative upon request. The logbook shall record the following:
- the date and time of each recorded action;
 - the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions.
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- e. The Permittee shall submit a summary report of the observations postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

D. One 7100 gallons aqueous ammonia storage tank (ID No. ES-15)

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Toxic Air Pollutants	State-enforceable only 0.99 lb/hr of ammonia	15A NCAC 02D .1100
Odors	State-enforceable only Odorous emissions must be controlled See Section 2.2.A.3	15A NCAC 02D .1806

State-enforceable only**1. 15A NCAC 02D .1100 CONTROL OF TOXIC AIR POLLUTANTS**

- a. Pursuant to 15A NCAC 02D .1100 and in accordance with the approved application for an air toxic compliance demonstration, the following permit limit shall not be exceeded:

Emission Sources	Pollutants	Emission Rates
Aqueous Ammonia Storage Tank (ID No. ES-15)	Ammonia	0.99 lb/hr

Testing [15A NCAC 02D .1105]

- b. No testing is required.

Monitoring/Recordkeeping/Reporting [15A NCAC 02D .1105]

- c. No monitoring, recordkeeping, or reporting is required for compliance with 15A NCAC 02D .1100.

E. One diesel fired 340 hp emergency fire pump (ID No. ES-1)

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Sulfur Dioxide	2.3 pound per million Btu heat input	15A NCAC 02D .0516
Visible Emissions	20 percent opacity	15A NCAC 02D .0521
Hazardous Air Pollutants	See Section 2.1 E.3.	15A NCAC 02D .1111 [40 CFR 63 Subpart ZZZZ]
Odors	State-enforceable only Odorous emissions must be controlled See Section 2.2.A.3	15A NCAC 02D .1806

1. 15A NCAC 02D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES

- a. Emissions of sulfur dioxide, when burning diesel fuel in this source (**ID No. ES-1**), shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limits given in Section 2.1 E.1.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0516.

Monitoring/Recordkeeping/Reporting [15A NCAC 02Q .0508(f)]

- c. No monitoring/recordkeeping/reporting is required for sulfur dioxide emissions from burning of diesel fuel in this source (**ID No. ES-1**).

2. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from this source (**ID No. ES-1**) shall not be more than 20 percent opacity when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event shall the six-minute average exceed 87 percent opacity. [15A NCAC 02D .0521 (d)]

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 E.2.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521.

Monitoring/Recordkeeping/Reporting [15A NCAC 02Q .0508(f)]

- c. No monitoring/recordkeeping/reporting is required for visible emissions from firing of diesel fuel in this source (**ID No. ES-1**).

3. 15A NCAC 02D .1111 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (40 CFR 63, SUBPART ZZZZ)

- a. The Permittee shall comply by May 3, 2013, with all applicable provisions, including the requirements for emission limitations, testing, monitoring, record keeping, notification, and reporting, contained in Environmental Management Commission Standard 15A NCAC 02D .1111 "Maximum Achievable Control Technology" as promulgated in 40 CFR Part 63 Subpart ZZZZ "National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)"

including Subpart A “General Provisions.” [40 CFR 63.6595(a)(1)]

DRAFT

F. Three biomass belt dryers, with maximum capacity of 6 tons per hour, each (ID Nos. ES-17, ES-18, and ES-19)

1. NCGS 143-215.108: CONTROL OF SOURCES OF AIR POLLUTION; PERMITS REQUIRED

- a. Under the provisions of North Carolina General Statute 143-215.108 and in accordance with 15A NCAC 02D .0605, the Permittee shall conduct source testing to quantify the emissions of volatile organic compounds (VOC) from the biomass belt dryers (**ID Nos. ES-17, ES-18, and ES-19**).

Testing [15A NCAC 02Q .0508(f)]

- b. The Permittee shall perform such testing in accordance with 15A NCAC 02D .2600.
- c. At least 45 days prior to performing any required emissions testing, the Permittee must submit a testing protocol to the Regional Supervisor, DAQ for review and approval. All testing protocols must be approved by the DAQ prior to performing such tests.
- d. To afford the Regional Supervisor, DAQ, the opportunity to have an observer present, the Permittee shall provide the Regional Office, in writing, at least 15 days notice of any required performance test(s).
- e. The emission tests shall be conducted no later than 180 days after the initial startup of the affected sources. During the source test, the Permittee shall determine the VOC emission rate in accordance with a DAQ-approved test method.
- f. The Permittee shall be responsible for ensuring, within the limits of practicality, that the equipment or process being tested is operated at or near its maximum normal production rate or at a lesser rate if specified by the Director or his delegate.
- g. If the potential emission rate of VOC based on the testing results is five tons per year or less, the three biomass belt dryers (**ID Nos. ES-17, ES-18, and ES-19**) are considered "Insignificant activities because of size or production rate," as defined under 15A NCAC 02Q .0503(8). Upon approval of the emission source test by DAQ, the Permittee can submit an administrative amendment in accordance with 15A NCAC 02Q .0514, "Administrative Permit Amendments," to move these emission sources to the insignificant activities list.

Reporting [15A NCAC 02Q .0508(f)]

- h. The test results must be submitted to the Regional Supervisor, DAQ, in accordance with the approved procedure of the Environmental Management Commission within 60 days of testing.
- i. Two copies of the test results must be submitted to the Regional Supervisor, DAQ, in accordance with the approved procedures of the Environmental Management Commission, not later than 30 days after sample collection.

2.2- Multiple Emission Source(s) Specific Limitations and Conditions

A. Facility-wide

The following table provides a summary of limits and standards for the emission source(s) describe above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Hazardous air pollutants	Less than 10 tons of any single HAP and 25 tons of combined HAP per consecutive 12-month period	15A NCAC 02Q .0317 [MACT Avoidance]
Carbon monoxide Nitrogen dioxide Sulfur dioxide	Less than 250 tons of CO per consecutive 12-month period Less than 250 tons of NOx per consecutive 12-month period Less than 250 tons of SO2 per consecutive 12-month period	15A NCAC 02Q .0317 [PSD Avoidance]

1. 15A NCAC 02Q .0317: AVOIDANCE CONDITIONS for 15A NCAC 02D .1111: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY

- a. In order to avoid applicability of this regulation, the total hazardous air pollutant (HAP) emissions from the facility shall be less than 10 tons of any single HAP and 25 tons of combined HAP per consecutive 12-month period. [15A NCAC 02Q .0317]

Testing [15A NCAC 02D .2601]

- b. Under the provisions of North Carolina General Statute 143-215.108, the Permittee shall test the following emissions sources to establish site specific emission factors for demonstrating compliance with the emission limits in Section 2.2.A.1.a above:

Affected Sources	Pollutant	Reference Emission Factor (pounds per million Btu)	Test Method ¹
One of the boilers (ID Nos. ES-1A and ES-1B)	Hydrogen Chloride (HCl)	6.63E-3	DAQ Approved
	Chlorine	1.8E-3	Method

1. Test method will be determined by DAQ approved testing protocol.

- i. The source testing shall be conducted and test submitted within 180 days of initial firing of poultry litter in the boilers (ID Nos. ES-1A and ES-1B).
- ii. At least 45 days prior to performing any required emissions testing, the Permittee shall submit two copies of a testing protocol to the Regional Supervisor, DAQ, for review and approval. All testing protocols must be approved by the DAQ prior to performing such tests.
- iii. To afford the Regional Supervisor, DAQ, the opportunity to have an observer present, the Permittee shall provide the Regional Office, in WRITING, at least 15 days notice of any required performance test(s).
- iv. Two copies of the final air emission test report shall be submitted to the Regional Supervisor, DAQ, not later than 60 days after sample collection.
- v. The Permittee shall operate the dry sorbent injection system (ID Nos. CD-1A4 and CD-1B4) during testing to establish the minimum or maximum parameter values that indicate proper operation of the control devices.
- viii. The Permittee shall request to revise the emission factors under Section 2.2 A.1.f. following DAQ approval of the test results, in accordance with the provision in 15A NCAC 02Q .0514 "Administrative Permit Amendments."

If this test is not performed or the emissions factors of HCl and chlorine are not developed, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111.

Monitoring/Recordkeeping [15A NCAC 02Q .0508 (f)]

- c. Emissions of HCl from the boilers (**ID Nos. ES-1A and ES-1B**) are required to be controlled by the dry sorbent injection systems (**ID Nos. CD-1A4 and CD-1B4**), only as necessary to achieve compliance with the HAP emission limitations in Sections 2.2 A.1.a above. To assure compliance, the Permittee shall perform inspections and perform maintenance as recommended by the manufacturer. In addition to the manufacturer's inspection and maintenance recommendations, or if there are no manufacturer's inspection and maintenance recommendations, as a minimum, the inspection and maintenance requirement shall include an annual (for each 12 month period following the initial inspection) inspection of the dry reagent injection system, including inspection of the injection nozzles, pumping systems, and associated controls.
The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if dry sorbent injection systems are not inspected and maintained.
- d. The results of internal inspections and maintenance shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
 - i. the date and time of each recorded action;
 - ii. the results of each inspection;
 - iii. the results of any maintenance performed on the oxidizer; and
 - iv. any variance from manufacturer's recommendations, if any, and corrections made.
 The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if these records are not maintained.
- e. In order to ensure proper control efficiency of the dry sorbent injection systems, the Permittee shall install, operate, and maintain a continuous monitoring system (CMS) for monitoring the dry sorbent injection rate. The Permittee shall continuously monitor and record the dry sorbent injection rates, when the dry sorbent injection systems (**ID Nos. CD-1A4 and CD-1B4**) are in operation. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the CMS is not installed or the dry sorbent injection rates are not monitored and the records are not maintained.
- f. The Permittee shall calculate emissions of HCl and chlorine at end of each month and recorded monthly in a logbook, in accordance with the following formulas:

Emissions of Hydrogen Chloride

$$\text{HCl Emissions (tons/month)} = \text{EF}_{\text{HCl}} (\text{lb/mm Btu of fuel}) * [\text{non-CISWI subject wood usage (lb/month)} * \text{HHV}_{\text{wood}} (\text{Btu/lb wood}) + \text{poultry litter usage (lb/month)} * \text{HHV}_{\text{poultry litter}} (\text{Btu/lb poultry litter})] * (\text{mm Btu}/1\text{E}6 \text{ Btu}) * (\text{ton}/2000 \text{ lbs})$$

Emissions of Chlorine

$$\text{Cl Emissions (tons/month)} = \text{EF}_{\text{Cl}} (\text{lb/mm Btu of fuel}) * [\text{non-CISWI subject wood usage (lb/month)} * \text{HHV}_{\text{wood}} (\text{Btu/lb wood}) + \text{poultry litter usage (lb/month)} * \text{HHV}_{\text{poultry litter}} (\text{Btu/lb poultry litter})] * (\text{mm Btu}/1\text{E}6 \text{ Btu}) * (\text{ton}/2000 \text{ lbs})$$

Where:

$\text{EF}_{\text{HCl}} =$ 6.63E-3 lb / mm Btu, as provided in Permit Application No. 7800116.15B. This value shall be modified by administratively amending the permit via permit modification following an approved emission test.

$\text{EF}_{\text{Cl}} =$ 1.8E-3 lb / mm Btu, as provided in Permit Application No. 7800116.15B. This value shall be modified by administratively amending the permit via permit modification following an approved emission test.

$\text{HHV}_{\text{wood}} =$ 4,730 Btu / lb of wood as reported in the wood fuel specifications from Biomass Energy Lab, as provided by the Permittee.

$\text{HHV}_{\text{poultry litter}} =$ 4,435 Btu / lb of poultry as provided by in DAQ's Non-Hazardous Secondary Material

Determination for Poultry Power USA, dated March 8, 2013.

If the required records are not maintained in a logbook, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111. If the emissions of HCl or chlorine each exceed 10 tons for any consecutive 12-month period or if the emissions of all HAPs combined exceed 25 tons for any consecutive 12-month period, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111.

- g. The Permittee may request to revise the air quality permit to update the heating values of any fuels in Section 2.2 A.1.f. after DAQ review and approval, in accordance with the provision in 15A NCAC 02Q .0514 "Administrative Permit Amendments."
- h. The Permittee shall keep a record of the applicability determination on site at the source for a period of five years after the determination, or until the source becomes an affected source. The determination shall include the analysis demonstrating why the Permittee believes the source is unaffected pursuant to 40 CFR Part 63.10(b)(3). The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if the records are not maintained.

Reporting [15A NCAC 02Q .0508 (f)]

- i. The Permittee shall submit a semiannual summary report, acceptable to the Regional Air Quality Supervisor, of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. The report shall contain the following:
 - i. The monthly HCl and chlorine emissions from the boilers (**ID Nos. ES-1A and ES-1B**) for the previous 17 months. The emissions must be calculated for each of the 12-month periods over the previous 17 months.
 - ii. The total HAP emissions from the boilers (**ID Nos. ES-1A and ES-1B**) for the previous 17 months. The emissions must be calculated for each of the 12-month periods over the previous 17 months.
 - iii. All instances of deviations from the requirements of this permit must be clearly identified.

**2. 15A NCAC 02Q. 0317: AVOIDANCE CONDITIONS
for 15A NCAC 02D. 0530: PREVENTION OF SIGNIFICANT DETERIORATION**

- a. To comply with this permit and avoid the applicability of 15A NCAC 02D .0530, "Prevention of Significant Deterioration" the emission sources (**ID Nos. ES-1A and ES-1B**) shall discharge into the atmosphere less than 250 tons of CO per consecutive 12-month period.
- b. To comply with this permit and avoid the applicability of 15A NCAC 02D .0530, "Prevention of Significant Deterioration," the emission sources (**ID Nos. ES-1A and ES-1B**) shall discharge into the atmosphere less than 250 tons of NO_x per consecutive 12-month period.
- c. To comply with this permit and avoid the applicability of 15A NCAC 02D .0530, "Prevention of Significant Deterioration," the emission source (**ID Nos. ES-1A and ES-1B**) shall discharge into the atmosphere less than 250 tons of SO₂ per consecutive 12-month period.

Testing [15A NCAC 02Q .0508(f)]

- d. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limits given in Section 2.2 A.2.a. through c., the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

Monitoring [15A NCAC 02Q .0508 (f)]

- e. The Permittee shall fire no more than 500 gallons of No. 2 fuel oil in the boilers (**ID Nos. ES-1A and ES-1B**) during a consecutive 12-month period. The Permittee shall only fire No. 2 fuel oil during periods of start-up of the boilers and shall generate no electricity while firing No. 2 fuel oil in the boilers. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if these requirements are not met.

- f. To assure compliance with the emission limit in Section 2.2.A.2.a above, the Permittee shall install continuous emission monitoring system (CEMS) that meets the requirements of 40 CFR Part 75 to measure CO emissions from the boilers. The Permittee shall notify the Director, in writing, at least 60 days before installation of the CO CEMS. The notification shall include plans or schematic diagrams of the proposed monitor location. The Permittee shall use this CEMS to monitor CO emissions from the boilers (**ID Nos. ES-1A and ES-1B**). Missing data shall be filled in accordance with 40 CFR 75. If the Permittee does not comply with the requirements in this section, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.
- g. The Permittee shall monitor NO_x emissions from the boilers (**ID Nos. ES-1A and ES-1B**) using a CEMS that meets the requirements of 40 CFR Part 75. Missing data shall be filled in accordance with 40 CFR 75. If the NO_x CEMS does not comply with the requirements in Section 2.2.A.2.g, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.
- h. The Permittee shall monitor SO₂ emissions from the boilers (**ID Nos. ES-1A and ES-1B**) using a CEMS that meets the requirements of 40 CFR Part 75. Missing data shall be filled in accordance with 40 CFR 75. If the SO₂ CEMS does not comply with the requirements in Section 2.2.A.2.h, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

Recordkeeping [15A NCAC 02Q .0508 (f)]

- i. The Permittee shall record the following in logbook (written or electronic) in reference to No. 2 fuel usage:
 - i. The date and time of each startup when No. 2. Fuel oil was fired in the boilers.
 - ii. The amount in gallons of No. 2 fuel oil used during startup.The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the records are not maintained or the fuel usage exceeds the limit in Section 2.2.A.2 e.
- j. The Permittee shall calculate and record the monthly and the 12-month rolling totals of CO emissions, as determined by the CO CEMS. If the CO emissions on a consecutive 12-month basis exceed the emissions limit in Section 2.2 A.2.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.
- k. The Permittee shall calculate and record the monthly and the 12-month rolling totals of NO_x emissions, as determined by the NO_x CEMS. If the NO_x emissions on a consecutive 12-month basis exceed the emissions limit in Section 2.2 A.2.b. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.
- l. The Permittee shall calculate and record the monthly and the 12-month rolling totals of SO₂ emissions, as determined by the SO₂ CEMS. If the SO₂ emissions on a consecutive 12-month basis exceed the emissions limit in Section 2.2 A.2.c. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

Reporting [15A NCAC 02Q .0508(f)]

- m. The Permittee shall submit a semiannual summary report, acceptable to the Regional Air Quality Supervisor, of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. The report shall contain the following:
 - i. The monthly CO, NO_x, and SO₂ emissions for the previous 17 months on a facility wide basis. The emissions must be calculated for each of the 12-month periods over the previous 17 months.
 - ii. All instances of deviations from the requirements of this permit must be clearly identified.

State-enforceable only

3. 15A NCAC 02D .1806: CONTROL AND PROHIBITION OF ODOROUS EMISSIONS

- a. The Permittee shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility's boundary.

2.3- Phase II Acid Rain Permit Requirements

ORIS code: 10382

Effective: October 12, 2012 until September 30, 2017

A. Statement of Basis

Statutory and Regulatory Authorities: In accordance with the provisions of Article 21B of Chapter 143, General Statutes of North Carolina as amended and Titles IV and V of the Clean Air Act, the Department of Environment and Natural Resources, Division of Air Quality issues this permit pursuant to Title 15A North Carolina Administrative Codes, Subchapter 02Q .0400 and 02Q .0500, and other applicable Laws.

B. SO₂ Allowance Allocations and NO_x Requirements for each affected unit

Source	Pollutant	Emission Limit
Unit 1 (ES-1A)	SO ₂	SO ₂ allowances are not allocated by U.S. EPA for these units under 40 CFR Part 72.
Unit 2 (ES-1B)	NO _x	Does not apply for units that are not subject to an Acid Rain emissions limitation or reduction requirement for SO ₂ under Phase I or Phase II of the CAA as specified in 40 CFR 76.1(a).

C. Acid Rain Permit Application (attached)

The permit applications submitted for this facility, as approved by the Division of Air Quality, are part of this permit. The owners and operators of these Phase II acid rain sources must comply with the standard requirements and special provisions set forth in the following attached application:

Acid Rain Permit Application dated November 8, 2011

Federal-Enforceable Only

2.4- Cross State Air Pollution Rules (CSAPR) Permit Requirements

For the two boilers (**ES-1A and ES-1B**), the Permittee shall comply with all applicable requirements of 40 CFR Part 97, Subpart AAAAAA "TR NO_x Annual Trading Program", Subpart BBBBBB "TR NO_x Ozone Season Trading Program", and Subpart CCCCCC "TR SO₂ Group 1 Trading Program".

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2.5- Permit Shield for Non-applicable Requirements

The Permittee is shielded from the following non-applicable requirements:

1. The EPA's Clean Air Interstate Rules (CAIR) are not applicable to the two boilers (**ES-1A and ES-1B**), pursuant to 40 CFR 52.35(f) and 52.36(e). CAIR has been replaced by the Cross State Air Pollution Rule (CSAPR).
2. The requirements of 15A NCAC 02D .2400 "Clean Air Interstate Rules" no longer apply to the two boilers (**ES-1A and ES-1B**). According to 15A NCAC 02D .2401(a), the purpose of the 02D .2400 rules is to implement CAIR. Because CAIR no longer applies, the 02D .2400 rules also no longer apply.

[15A NCAC 02Q .0512(a)(1)(B)]

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SECTION 3- GENERAL CONDITIONS (version 4.0 12/17/15)

This section describes terms and conditions applicable to this Title V facility.

A. **General Provisions** [NCGS 143-215 and 15A NCAC 02Q .0508(i)(16)]

1. Terms not otherwise defined in this permit shall have the meaning assigned to such terms as defined in 15A NCAC 02D and 02Q.
2. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to NCGS 143-215.114A and 143-215.114B, including assessment of civil and/or criminal penalties. Any unauthorized deviation from the conditions of this permit may constitute grounds for revocation and/or enforcement action by the DAQ.
3. This permit is not a waiver of or approval of any other Department permits that may be required for other aspects of the facility which are not addressed in this permit.
4. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted facility, or from penalties therefore, nor does it allow the Permittee to cause pollution in contravention of state laws or rules, unless specifically authorized by an order from the North Carolina Environmental Management Commission.
5. Except as identified as state-only requirements in this permit, all terms and conditions contained herein shall be enforceable by the DAQ, the EPA, and citizens of the United States as defined in the Federal Clean Air Act.
6. Any stationary source of air pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the DAQ, unless the source is exempted by rule. The DAQ may issue a permit only after it receives reasonable assurance that the installation will not cause air pollution in violation of any of the applicable requirements. A permitted installation may only be operated, maintained, constructed, expanded, or modified in a manner that is consistent with the terms of this permit.

B. **Permit Availability** [15A NCAC 02Q .0507(k) and .0508(i)(9)(B)]

The Permittee shall have available at the facility a copy of this permit and shall retain for the duration of the permit term one complete copy of the application and any information submitted in support of the application package. The permit and application shall be made available to an authorized representative of Department of Environmental Quality upon request.

C. **Severability Clause** [15A NCAC 02Q .0508(i)(2)]

In the event of an administrative challenge to a final and binding permit in which a condition is held to be invalid, the provisions in this permit are severable so that all requirements contained in the permit, except those held to be invalid, shall remain valid and must be complied with.

D. **Submissions** [15A NCAC 02Q .0507(e) and 02Q .0508(i)(16)]

Except as otherwise specified herein, two copies of all documents, reports, test data, monitoring data, notifications, request for renewal, and any other information required by this permit shall be submitted to the appropriate Regional Office. Refer to the Regional Office address on the cover page of this permit. For continuous emissions monitoring systems (CEMS) reports, continuous opacity monitoring systems (COMS) reports, quality assurance (QA)/quality control (QC) reports, acid rain CEM certification reports, and NOx budget CEM certification reports, one copy shall be sent to the appropriate Regional Office and one copy shall be sent to:

Supervisor, Stationary Source Compliance
North Carolina Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

All submittals shall include the facility name and Facility ID number (refer to the cover page of this permit).

E. Duty to Comply [15A NCAC 02Q .0508(i)(3)]

The Permittee shall comply with all terms, conditions, requirements, limitations and restrictions set forth in this permit. Noncompliance with any permit condition except conditions identified as state-only requirements constitutes a violation of the Federal Clean Air Act. Noncompliance with any permit condition is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

F. Circumvention - STATE ENFORCEABLE ONLY

The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution. Unless otherwise specified by this permit, no emission source may be operated without the concurrent operation of its associated air pollution control device(s) and appurtenances.

G. Permit Modifications

1. Administrative Permit Amendments [15A NCAC 02Q .0514]

The Permittee shall submit an application for an administrative permit amendment in accordance with 15A NCAC 02Q .0514.

2. Transfer in Ownership or Operation and Application Submittal Content [15A NCAC 02Q .0524 and 02Q .0505]

The Permittee shall submit an application for an ownership change in accordance with 15A NCAC 02Q.0524 and 02Q .0505.

3. Minor Permit Modifications [15A NCAC 02Q .0515]

The Permittee shall submit an application for a minor permit modification in accordance with 15A NCAC 02Q .0515.

4. Significant Permit Modifications [15A NCAC 02Q .0516]

The Permittee shall submit an application for a significant permit modification in accordance with 15A NCAC 02Q .0516.

5. Reopening for Cause [15A NCAC 02Q .0517]

The Permittee shall submit an application for reopening for cause in accordance with 15A NCAC 02Q .0517.

H. Changes Not Requiring Permit Modifications

1. Reporting Requirements

Any of the following that would result in new or increased emissions from the emission source(s) listed in Section 1 must be reported to the Regional Supervisor, DAQ:

- a. changes in the information submitted in the application;
- b. changes that modify equipment or processes; or
- c. changes in the quantity or quality of materials processed.

If appropriate, modifications to the permit may then be made by the DAQ to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause a violation of the emission limitations specified herein.

2. Section 502(b)(10) Changes [15A NCAC 02Q .0523(a)]

- a. "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- b. The Permittee may make Section 502(b)(10) changes without having the permit revised if:
 - i. the changes are not a modification under Title I of the Federal Clean Air Act;
 - ii. the changes do not cause the allowable emissions under the permit to be exceeded;

- iii. the Permittee notifies the Director and EPA with written notification at least seven days before the change is made; and
 - iv. the Permittee shall attach the notice to the relevant permit.
 - c. The written notification shall include:
 - i. a description of the change;
 - ii. the date on which the change will occur;
 - iii. any change in emissions; and
 - iv. any permit term or condition that is no longer applicable as a result of the change.
 - d. Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.
- 3. Off Permit Changes [15A NCAC 02Q .0523(b)]
The Permittee may make changes in the operation or emissions without revising the permit if:
 - a. the change affects only insignificant activities and the activities remain insignificant after the change; or
 - b. the change is not covered under any applicable requirement.
- 4. Emissions Trading [15A NCAC 02Q .0523(c)]
To the extent that emissions trading is allowed under 15A NCAC 02D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revision pursuant to 15A NCAC 02Q .0523(c).

I. A Reporting Requirements for Excess Emissions and Permit Deviations
[15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

“Excess Emissions” - means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections .0500, .0900, .1200, or .1400 of Subchapter 02D; or by a permit condition; or that exceeds an emission limit established in a permit issued under 15A NCAC 02Q .0700. (*Note: Definitions of excess emissions under 02D .1110 and 02D .1111 shall apply where defined by rule.*)

“Deviations” - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.

Excess Emissions

1. If a source is required to report excess emissions under NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or the operating permit provides for periodic (e.g., quarterly) reporting of excess emissions, reporting shall be performed as prescribed therein.
2. If the source is not subject to NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or these rules do NOT define "excess emissions," the Permittee shall report excess emissions in accordance with 15A NCAC 02D .0535 as follows:
 - a. Pursuant to 15A NCAC 02D .0535, if excess emissions last for more than four hours resulting from a malfunction, a breakdown of process or control equipment, or any other abnormal condition, the owner or operator shall:
 - i. notify the Regional Supervisor or Director of any such occurrence by 9:00 a.m. Eastern Time of the Division's next business day of becoming aware of the occurrence and provide:
 - name and location of the facility;
 - nature and cause of the malfunction or breakdown;
 - time when the malfunction or breakdown is first observed;
 - expected duration; and
 - estimated rate of emissions;
 - ii. notify the Regional Supervisor or Director immediately when corrective measures have been accomplished; and
 - iii. submit to the Regional Supervisor or Director within 15 days a written report as described in 15A NCAC 02D .0535(f)(3).

Permit Deviations

3. Pursuant to 15A NCAC 02Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) as follows:
 - a. Notify the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 02D .0535 quarterly. A written report to the Regional Supervisor shall include the probable cause of such deviation and any corrective actions or preventative actions taken. The responsible official shall certify all deviations from permit requirements.

I. B Other Requirements under 15A NCAC 02D .0535

The Permittee shall comply with all other applicable requirements contained in 15A NCAC 02D .0535, including 15A NCAC 02D .0535(c) as follows:

1. Any excess emissions that do not occur during start-up and shut-down shall be considered a violation of the appropriate rule unless the owner or operator of the sources demonstrates to the Director, that the excess emissions are a result of a malfunction. The Director shall consider, along with any other pertinent information, the criteria contained in 15A NCAC 02D .0535(c)(1) through (7).
2. 15A NCAC 02D .0535(g). Excess emissions during start-up and shut-down shall be considered a violation of the appropriate rule if the owner or operator cannot demonstrate that excess emissions are unavoidable.

J. Emergency Provisions [40 CFR 70.6(g)]

The Permittee shall be subject to the following provisions with respect to emergencies:

1. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the facility to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions specified in 3. below are met.
3. The affirmative defense of emergency shall be demonstrated through properly signed contemporaneous operating logs or other relevant evidence that include information as follows:
 - a. an emergency occurred and the Permittee can identify the cause(s) of the emergency;
 - b. the permitted facility was at the time being properly operated;
 - c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the standards or other requirements in the permit; and
 - d. the Permittee submitted notice of the emergency to the DAQ within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement specified elsewhere herein.

K. Permit Renewal [15A NCAC 02Q .0508(e) and 02Q .0513(b)]

This 15A NCAC 02Q .0500 permit is issued for a fixed term not to exceed five years and shall expire at the end of its term. Permit expiration terminates the facility's right to operate unless a complete 15A NCAC 02Q .0500 renewal application is submitted at least nine months before the date of permit expiration. If the Permittee or applicant has complied with 15A NCAC 02Q .0512(b)(1), this 15A NCAC 02Q .0500 permit shall not expire until the renewal permit has been issued or denied. Permit expiration under 15A NCAC 02Q .0400 terminates the facility's right to operate unless a complete 15A NCAC 02Q .0400 renewal application is submitted at least six months before the date of permit expiration for facilities subject to 15A

NCAC 02Q .0400 requirements. In either of these events, all terms and conditions of these permits shall remain in effect until the renewal permits have been issued or denied.

L. Need to Halt or Reduce Activity Not a Defense [15A NCAC 02Q .0508(i)(4)]

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

M. Duty to Provide Information (submittal of information) [15A NCAC 02Q .0508(i)(9)]

1. The Permittee shall furnish to the DAQ, in a timely manner, any reasonable information that the Director may request in **writing** to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.
2. The Permittee shall furnish the DAQ copies of records required to be kept by the permit when such copies are requested by the Director. For information claimed to be confidential, the Permittee may furnish such records directly to the EPA upon request along with a claim of confidentiality.

N. Duty to Supplement [15A NCAC 02Q .0507(f)]

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the DAQ. The Permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the facility after the date a complete permit application was submitted but prior to the release of the draft permit.

O. Retention of Records [15A NCAC 02Q .0508(f) and 02Q .0508 (l)]

The Permittee shall retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit. These records shall be maintained in a form suitable and readily available for expeditious inspection and review. Any records required by the conditions of this permit shall be kept on site and made available to DAQ personnel for inspection upon request.

P. Compliance Certification [15A NCAC 02Q .0508(n)]

The Permittee shall submit to the DAQ and the EPA (Air and EPCRA Enforcement Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all federally-enforceable terms and conditions in the permit, including emissions limitations, standards, or work practices. It shall be the responsibility of the current owner to submit a compliance certification for the entire year regardless of who owned the facility during the year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:

1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);
3. whether compliance was continuous or intermittent; and
4. the method(s) used for determining the compliance status of the source during the certification period.

Q. Certification by Responsible Official [15A NCAC 02Q .0520]

A responsible official shall certify the truth, accuracy, and completeness of any application form, report, or compliance certification required by this permit. All certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

R. Permit Shield for Applicable Requirements [15A NCAC 02Q .0512]

1. Compliance with the terms and conditions of this permit shall be deemed compliance with applicable requirements, where such applicable requirements are included and specifically identified in the permit as of the date of permit issuance.
2. A permit shield shall not alter or affect:
 - a. the power of the Commission, Secretary of the Department, or Governor under NCGS 143-215.3(a)(12), or EPA under Section 303 of the Federal Clean Air Act;
 - b. the liability of an owner or operator of a facility for any violation of applicable requirements prior to the effective date of the permit or at the time of permit issuance;
 - c. the applicable requirements under Title IV; or
 - d. the ability of the Director or the EPA under Section 114 of the Federal Clean Air Act to obtain information to determine compliance of the facility with its permit.
3. A permit shield does not apply to any change made at a facility that does not require a permit or permit revision made under 15A NCAC 02Q .0523.
4. A permit shield does not extend to minor permit modifications made under 15A NCAC 02Q .0515.

S. Termination, Modification, and Revocation of the Permit [15A NCAC 02Q .0519]

The Director may terminate, modify, or revoke and reissue this permit if:

1. the information contained in the application or presented in support thereof is determined to be incorrect;
2. the conditions under which the permit or permit renewal was granted have changed;
3. violations of conditions contained in the permit have occurred;
4. the EPA requests that the permit be revoked under 40 CFR 70.7(g) or 70.8(d); or
5. the Director finds that termination, modification, or revocation and reissuance of the permit is necessary to carry out the purpose of NCGS Chapter 143, Article 21B.

T. Insignificant Activities [15A NCAC 02Q .0503]

Because an emission source or activity is insignificant does not mean that the emission source or activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement. The Permittee shall have available at the facility at all times and made available to an authorized representative upon request, documentation, including calculations, if necessary, to demonstrate that an emission source or activity is insignificant.

U. Property Rights [15A NCAC 02Q .0508(i)(8)]

This permit does not convey any property rights in either real or personal property or any exclusive privileges.

V. Inspection and Entry [15A NCAC 02Q .0508(l) and NCGS 143-215.3(a)(2)]

1. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the DAQ, or an authorized representative, to perform the following:
 - a. enter the Permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
 - b. have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - c. inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - d. sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.

Nothing in this condition shall limit the ability of the EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the Federal Clean Air Act.

2. No person shall refuse entry or access to any authorized representative of the DAQ who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct,

hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

W. **Annual Fee Payment** [15A NCAC 02Q .0508(i)(10)]

1. The Permittee shall pay all fees in accordance with 15A NCAC 02Q .0200.
2. Payment of fees may be by check or money order made payable to the N.C. Department of Environmental Quality. Annual permit fee payments shall refer to the permit number.
3. If, within 30 days after being billed, the Permittee fails to pay an annual fee, the Director may initiate action to terminate the permit under 15A NCAC 02Q .0519.

X. **Annual Emission Inventory Requirements** [15A NCAC 02Q .0207]

The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 02Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Y. **Confidential Information** [15A NCAC 02Q .0107 and 02Q .0508(i)(9)]

Whenever the Permittee submits information under a claim of confidentiality pursuant to 15A NCAC 02Q .0107, the Permittee may also submit a copy of all such information and claim directly to the EPA upon request. All requests for confidentiality must be in accordance with 15A NCAC 02Q .0107.

Z. **Construction and Operation Permits** [15A NCAC 02Q .0100 and .0300]

A construction and operating permit shall be obtained by the Permittee for any proposed new or modified facility or emission source which is not exempted from having a permit prior to the beginning of construction or modification, in accordance with all applicable provisions of 15A NCAC 02Q .0100 and .0300.

AA. **Standard Application Form and Required Information** [15A NCAC 02Q .0505 and .0507]

The Permittee shall submit applications and required information in accordance with the provisions of 15A NCAC 02Q .0505 and .0507.

BB. **Financial Responsibility and Compliance History** [15A NCAC 02Q .0507(d)(4)]

The DAQ may require an applicant to submit a statement of financial qualifications and/or a statement of substantial compliance history.

CC. **Refrigerant Requirements (Stratospheric Ozone and Climate Protection)** [15A NCAC 02Q .0501(e)]

1. If the Permittee has appliances or refrigeration equipment, including air conditioning equipment, which use Class I or II ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 CFR Part 82 Subpart A Appendices A and B, the Permittee shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82 Subpart F.
2. The Permittee shall not knowingly vent or otherwise release any Class I or II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 CFR Part 82 Subpart F.
3. The Permittee shall comply with all reporting and recordkeeping requirements of 40 CFR § 82.166. Reports shall be submitted to the EPA or its designee as required.

DD. **Prevention of Accidental Releases - Section 112(r)** [15A NCAC 02Q .0508(h)]

If the Permittee is required to develop and register a Risk Management Plan with EPA pursuant to Section 112(r) of the Clean Air Act, then the Permittee is required to register this plan in accordance with 40 CFR Part 68.

EE. **Prevention of Accidental Releases General Duty Clause - Section 112(r)(1) –**
FEDERALLY-ENFORCEABLE ONLY

Although a risk management plan may not be required, if the Permittee produces, processes, handles, or stores any amount of a listed hazardous substance, the Permittee has a general duty to take such steps as are necessary to prevent the accidental release of such substance and to minimize the consequences of any release.

FF. **Title IV Allowances** [15A NCAC 02Q .0508(i)(1)]

This permit does not limit the number of Title IV allowances held by the Permittee, but the Permittee may not use allowances as a defense to noncompliance with any other applicable requirement. The Permittee's emissions may not exceed any allowances that the facility lawfully holds under Title IV of the Federal Clean Air Act.

GG. **Air Pollution Emergency Episode** [15A NCAC 02D .0300]

Should the Director of the DAQ declare an Air Pollution Emergency Episode, the Permittee will be required to operate in accordance with the Permittee's previously approved Emission Reduction Plan or, in the absence of an approved plan, with the appropriate requirements specified in 15A NCAC 02D .0300.

HH. **Registration of Air Pollution Sources** [15A NCAC 02D .0202]

The Director of the DAQ may require the Permittee to register a source of air pollution. If the Permittee is required to register a source of air pollution, this registration and required information will be in accordance with 15A NCAC 02D .0202(b).

II. **Ambient Air Quality Standards** [15A NCAC 02D .0501(c)]

In addition to any control or manner of operation necessary to meet emission standards specified in this permit, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards in 15A NCAC 02D .0400 to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this permit are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

JJ. **General Emissions Testing and Reporting Requirements** [15A NCAC 02Q .0508(i)(16)]

Emission compliance testing shall be by the procedures of Section .2600, except as may be otherwise required in Rules .0524, .0912, .1110, .1111, or .1415 of Subchapter 02D. If emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ to demonstrate compliance, the Permittee shall perform such testing in accordance with 15A NCAC 02D .2600 and follow the procedures outlined below:

1. The owner or operator of the source shall arrange for air emission testing protocols to be provided to the Director prior to air pollution testing. Testing protocols are not required to be pre-approved by the Director prior to air pollution testing. The Director shall review air emission testing protocols for pre-approval prior to testing if requested by the owner or operator at least **45 days** before conducting the test.
2. Any person proposing to conduct an emissions test to demonstrate compliance with an applicable standard shall notify the Director at least **15 days** before beginning the test so that the Director may at his option observe the test.
3. The owner or operator of the source shall arrange for controlling and measuring the production rates during the period of air testing. The owner or operator of the source shall ensure that the equipment or process being tested is operated at the production rate that best fulfills the purpose of the test. The individual conducting the emission test shall describe the procedures used to obtain accurate process data and include in the test report the average production rates determined during each testing period.
4. Two copies of the final air emission test report shall be submitted to the Director not later than **30 days** after sample collection unless otherwise specified in the specific conditions. The owner or operator may request an extension to submit the final test report. The Director shall approve an

extension request if he finds that the extension request is a result of actions beyond the control of the owner or operator.

- a. The Director shall make the final determination regarding any testing procedure deviation and the validity of the compliance test. The Director may:
 - i. Allow deviations from a method specified under a rule in this Section if the owner or operator of the source being tested demonstrates to the satisfaction of the Director that the specified method is inappropriate for the source being tested.
 - ii. Prescribe alternate test procedures on an individual basis when he finds that the alternative method is necessary to secure more reliable test data.
 - iii. Prescribe or approve methods on an individual basis for sources or pollutants for which no test method is specified in this Section if the methods can be demonstrated to determine compliance of permitted emission sources or pollutants.
- b. The Director may authorize the Division of Air Quality to conduct independent tests of any source subject to a rule in this Subchapter to determine the compliance status of that source or to verify any test data submitted relating to that source. Any test conducted by the Division of Air Quality using the appropriate testing procedures described in Section 02D .2600 has precedence over all other tests.

KK. Reopening for Cause [15A NCAC 02Q .0517]

1. A permit shall be reopened and revised under the following circumstances:
 - a. additional applicable requirements become applicable to a facility with remaining permit term of three or more years;
 - b. additional requirements (including excess emission requirements) become applicable to a source covered by Title IV;
 - c. the Director or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - d. the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
2. Any permit reopening shall be completed or a revised permit issued within 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to 15A NCAC 02Q .0513(c).
3. Except for the state-enforceable only portion of the permit, the procedures set out in 15A NCAC 02Q .0507, .0521, or .0522 shall be followed to reissue the permit. If the State-enforceable only portion of the permit is reopened, the procedures in 15A NCAC 02Q .0300 shall be followed. The proceedings shall affect only those parts of the permit for which cause to reopen exists.
4. The Director shall notify the Permittee at least 60 days in advance of the date that the permit is to be reopened, except in cases of imminent threat to public health or safety the notification period may be less than 60 days.
5. Within 90 days, or 180 days if the EPA extends the response period, after receiving notification from the EPA that a permit needs to be terminated, modified, or revoked and reissued, the Director shall send to the EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

LL. Reporting Requirements for Non-Operating Equipment [15A NCAC 02Q .0508(i)(16)]

The Permittee shall maintain a record of operation for permitted equipment noting whenever the equipment is taken from and placed into operation. During operation the monitoring recordkeeping and reporting requirements as prescribed by the permit shall be implemented within the monitoring period.

MM. Fugitive Dust Control Requirement [15A NCAC 02D .0540] - STATE ENFORCEABLE ONLY

As required by 15A NCAC 02D .0540 "Particulates from Fugitive Dust Emission Sources," the Permittee shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints or excess visible emissions beyond the property boundary. If substantive complaints or excessive fugitive dust

emissions from the facility are observed beyond the property boundaries for six minutes in any one hour (using Reference Method 22 in 40 CFR, Appendix A), the owner or operator may be required to submit a fugitive dust plan as described in 02D .0540(f).

"Fugitive dust emissions" means particulate matter from process operations that does not pass through a process stack or vent and that is generated within plant property boundaries from activities such as: unloading and loading areas, process areas stockpiles, stock pile working, plant parking lots, and plant roads (including access roads and haul roads).

NN. **Specific Permit Modifications** [15A NCAC 02Q.0501 and .0523]

1. For modifications made pursuant to 15A NCAC 02Q .0501(c)(2), the Permittee shall file a Title V Air Quality Permit Application for the air emission source(s) and associated air pollution control device(s) on or before 12 months after commencing operation.
2. For modifications made pursuant to 15A NCAC 02Q .0501(d)(2), the Permittee shall not begin operation of the air emission source(s) and associated air pollution control device(s) until a Title V Air Quality Permit Application is filed and a construction and operation permit following the procedures of Section .0500 (except for Rule .0504 of this Section) is obtained.
3. For modifications made pursuant to 502(b)(10), in accordance with 15A NCAC 02Q .0523(a)(1)(C), the Permittee shall notify the Director and EPA (EPA - Air Planning Branch, 61 Forsyth Street SW, Atlanta, GA 30303) in writing at least seven days before the change is made. The written notification shall include:
 - a. a description of the change at the facility;
 - b. the date on which the change will occur;
 - c. any change in emissions; and
 - d. any permit term or condition that is no longer applicable as a result of the change.

In addition to this notification requirement, with the next significant modification or Air Quality Permit renewal, the Permittee shall submit a page "E5" of the application forms signed by the responsible official verifying that the application for the 502(b)(10) change/modification, is true, accurate, and complete. Further note that modifications made pursuant to 502(b)(10) do not relieve the Permittee from satisfying preconstruction requirements.

OO. **Third Party Participation and EPA Review** [15A NCAC 02Q .0521, .0522 and .0525(7)]

For permits modifications subject to 45-day review by the federal Environmental Protection Agency (EPA), EPA's decision to not object to the proposed permit is considered final and binding on the EPA and absent a third party petition, the failure to object is the end of EPA's decision-making process with respect to the revisions to the permit. The time period available to submit a public petition pursuant to 15A NCAC 02Q .0518 begins at the end of the 45-day EPA review period.

List of Acronyms

AOS	Alternate Operating Scenario
BACT	Best Available Control Technology
Btu	British thermal unit
CAA	Clean Air Act
CAIR	Clean Air Interstate Rule
CEM	Continuous Emission Monitor
CFR	Code of Federal Regulations
DAQ	Division of Air Quality
DEQ	Department of Environmental Quality
EMC	Environmental Management Commission
EPA	Environmental Protection Agency
FR	Federal Register
GACT	Generally Available Control Technology
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
NAA	Non-Attainment Area
NCAC	North Carolina Administrative Code
NCGS	North Carolina General Statutes
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
OAH	Office of Administrative Hearings
PM	Particulate Matter
PM₁₀	Particulate Matter with Nominal Aerodynamic Diameter of 10 Micrometers or Less
POS	Primary Operating Scenario
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO₂	Sulfur Dioxide
tpy	Tons Per Year
VOC	Volatile Organic Compound

Acid Rain Permit Application
(Five pages)

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